



APPEALS HEARING BOARD

THURSDAY, OCTOBER 13, 2016

Evening Session 6:30 p.m.
City Council Chambers

200 E. Santa Clara Street
San Jose, California

David Parker, Chair
Ron Cabanayan, Vice Chair
Rajwant Bains Andrew Ditlevsen
Timothy Kenny Karen Parsons
Robyn Shearin

Harry Freitas, Director
Planning, Building and Code Enforcement

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To request an accommodation or alternative format for City-sponsored meetings, events or printed materials, please call (Karla Caceres at 408-535-7720) or 408-294-9337 (TTY) as soon as possible, but at least three business days before the meeting/event.

NOTICE TO THE PUBLIC

Good evening, my name is David Parker and I am the Chair of the Appeals Hearing Board. On behalf of the entire Board, I would like to welcome you to the Appeals Hearing Board meeting of October 13, 2016.

When addressing the Board, you will first need to identify yourself and state your address for our records. Then you will be sworn in. Please make sure you fill out a speaker's card first and hand the card to the Board Secretary.

The procedure for this hearing is as follows:

- The Board Secretary will take roll, after the Chair has read the opening remarks. The board will then conduct a vote on the approval of minutes from the meeting of September 22, 2016.
- City staff will present testimony on the City's case for each item.
- After City staff's testimony the property owner or his/her representative will give testimony. Then the Board will hear testimony from other interested parties. All items submitted to the Board will be retained as evidence. We urge witnesses to testify only on those issues raised by the administrative action.
- Board members frequently ask questions. Please try to answer the questions directly.
- After the testimony the public hearing will be closed and the Appeals Hearing Board will take action on the item.
- Copies of the agenda have been placed on the table near the door for your convenience. A complete packet of the documents pertaining to the items on tonight's agenda is available to review on the desk by the Commission Secretary.
- Please turn off cell phones and pagers.

Board Mission Statement: To have a fair and objective hearing to determine violations, encourage compliance, and to hear all appeals delegated by City Council for City Administrative Action by considering all evidence presented and making an appropriate ruling based on Code for the purpose of maintaining and improving the quality of life in San Jose.
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AGENDA
ORDER OF BUSINESS
6:30 PM SESSION

1. **ROLL CALL AND OPENING REMARKS**

2. **APPROVAL OF MINUTES**

Recommendation: Approval of minutes for September 22, 2016.

3. **REQUESTS FOR DEFERRALS**

4. **PUBLIC HEARINGS CONSENT CALENDAR**

5. **DEFERRED AND/OR CONTINUED ITEMS**

6. **PUBLIC HEARINGS**

- a. **3878 BUCKNALL ROAD- (404-10-008) SUMMARY ABATEMENT/ CONDEMNATION**
(Steven Kelly, Inspector Thomas E. Mc Enroe and Kathryn A. Mc Enroe, Trustees of the McEnroe Family Trust, Property Owner)

The Director of Planning, Building and Code Enforcement requests a hearing to review the notice of summary abatement to condemn and restrict the property from use or occupancy : (1) Provides written documentation from a licensed exterminator that the rat and cockroach infestation has been eliminated from the property, (2) Repairs the kitchen sink to operability as required by the San Jose Municipal Code, (3) Removes animal urine located throughout the residence and (4) Repairs the inadequate fire protection where rats have chewed through the fire separation drywall between the garage and living areas of the house and (5) Calls Inspector Steven.

Recommendation: To affirm the summary abatement action as set forth in the staff report.

7. **REQUEST FOR EXCUSED ABSENCE**

8. **OTHER BUSINESS**

9. **OPEN FORUM – ORAL COMMUNICATIONS FROM THE PUBLIC**

10. **ADJOURNMENT**

Next Board Meeting: October 27, 2016 at 6:30 p.m. in City Council Chambers.